

Planning Board Minutes

July 10, 2013

Board members present: Larry Choate, Richard Benner, William Leppanen, Robert Pratt, Dale Martin

Present: Scott Bickford (Code Enforcement Officer)

Present: Sue Choate, John Hufnagel (cc), Jim Taylor, Charles Burn (Enterprise), Jason Lewis (Enterprise), Matt Tibbetts, Charles Siletti (cc), William Gay (cc), Dick Carver (cc), Dave Jenny, Claire Dean, Paul Callahan, Jill Farrell Delaney, Charles Brown, Gene White, Eric Davis

7:30 pm Richard Benner made a motion to accept the May 8th, 2013 minutes. Dale Martin seconded it. All in favor. Richard Benner made a motion to accept June 12, 2013 minutes, Robert Pratt seconded it. All in favor.

Art Tibbetts - Jim Taylor's wharf on Castlewood Lane
Robert Pratt recused himself from voting (he has a wharf application pending with the DEP).

Matt Tibbetts said that Mr. Taylor is building a wood piling wharf to the end of the rocks, then aluminum ramp that would extend out and be pulled in during the winter. They would be stored at Tibbetts Marine.

Jill Farrell Delaney (10 Soper Road) brought pictures from when she was little on the beach to someone having their graduation photos taken on the beach. She said that her family has been going down to that beach for many years. She is worried that the wharf will distract from the view and change things at the beach. She also stated that lots of artifacts have been found on that beach. She asked if they had tribal approval? Matt Tibbetts said that they did from the Maine historical preservation. Richard Benner asked Jill why she didn't contact the DEP? Jill said she called them but she missed the deadline to get her stuff in. He said that Jim Taylor has approval from the Army Core of Engineers and DEP. Our ordinances do not cover piers, wharfs and docks.

Paul Callahan (19 Castlewood Lane) said his family has been going down to this beach for over 90 years. He said that the planning board members need to go over the Shoreland Zoning Ordinance carefully before they make their decision

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities Zone;
9. Is in conformance with the provisions of Section 15., Land Use Standards. Subparagraph C.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
7. Except in the Commercial Fisheries/Maritime Activities Zone, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

Robert Pratt asked if the wharf was going to be on the rocks not across the beach? Matt Tibbetts said that is correct.

Dave Jenny (11 Shell Street) said He had a deeded right of way to the beach and generations have walked to and from Holiday Beach Road. He is also the lawyer for Claire Dean Perry and Pamela Vose. He is trying to help them get conservatorship over William T. Dean, Jr. Then they are going to fight the State for their brothers house back. The State took it unlawfully. The matter goes to court on August 1, 2013. Bill Leppanen said this has nothing to do with the planning board. Dave Jenny sent a letter to Jim Taylor in March of 2013 to notify him of the probate court hearings coming up. He would like that letter on record. (it will be attached to the minutes).

Robert Pratt mentioned the 1642 Ordinance from colonial days. Fish, Fowl and Navigate.

William Leppanen asked if a pier should never be built in Owls Head?

Clair Dean Perry (11 Castlewood Lane) feels that she has been alienated with all of this going on. The State taking the property and selling it and Mr. Taylor building a pier. She said "you don't have to do it, just because you can"

Richard Benner said in the ordinance you have the right to build a pier that has DEP review and approval plus Army Core of Engineering approval.

Jen Wylie of Shell street asked about the moorings and if anyone talked to the Harbor Master. What if they run out of space and keep moving near the pier, what then? She was told to talk to the comprehensive plan members and tell them you are concerned about moorings and that they should be addressed.

Scott Bickford asked if Taylor's deed said to low water or high water. It did not.

Richard Benner said that there is no evidence that James Taylor doesn't own the property. He has a deed and title to it.

The findings from the DEP and Army Core of Engineering:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA-treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as not in Title 38 M.R.S.A. Section 480-P.

Therefore, the Department APPROVES the above noted application of Jim Taylor to construct a pier system as described in Finding 1, subject to the attached conditions, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Richard Benner said on our ordinances

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. DEP APPROVED
2. The location shall not interfere with existing developed or natural beach areas. DEP APPROVED.
3. The facility shall be located so as to minimize adverse effect on fisheries. DEP APPROVED.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. ARMY CORE OF ENGINEER APPROVED.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. NO PLANS WERE SUBMITTED TO PUT A BUILDING.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any zone. IT ABBUTTS THE PROPERTY NO BUILDING.
7. Except in the Commercial Fisheries/ Maritime Activities Zone, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. ONLY ABBUTTS THE LAND DOES NOT GO HIGH.

Jill Delaney asked if anyone mentioned noise from the wharf? Noise ordinance does not address this issue.

Bill Leppanen asked about the height of the wharf underneath during half tide or low tide. Matt Tibbetts said it would be 6 to 8 feet. If some wanted to walk from Holiday Beach to this beach they still can.

Richard Benner made a motion to accept Taylors Pier application. Bill Lepannen seconded it. All in Favor. Robert Pratt recused himself from voting. The letter from David Jenny will be made part of the records.

Enterprise Rent-a-Car: Charles Burns & Jason Lewis from Enterprise Rent-A- Car would like to operate a rental car business Knox County Regional Airport. They would like to occupy an existing counter space inside the main terminal. Also they would like to use five designated parking spaces and only if needed some overflow parking spot. They would keep most of there cars at the Thomaston, Maine operation. Robert Pratt made a motion to accept the business at the Knox County Regional Airport. Richard Benner seconded it. All in favor. Richard Benner made about comment about no parking on the grass. The Code Enforcement Officer will be after you.

8:50 PM Comprehensive Plan

Charlie Siletti reviewed how the committee was formed in 2010. The members are Larry & Sue Choate, William Gay, Kenneth Wexler, Eric & Laura Davis, John Ware, Jim Jenkins, John Hufnagel, Richard Carver, Charlie Siletti and Stuart Thro. A survey was sent out to 1380 tax payers. 30% response. The package has summary of the vision statement. There were 12 different topics that they had to address. They divided them among the members. This is a requirement of the State to do this project.

Larry Choate said he thought it was a lot of work and they did a great job.

William Leppanen asked is 30% was a good response and they said it was.

Robert Pratt asked that they change on Page 5 to have a strong local lobster fishing to have a strong commercial fishing. Plus aqua culture and agriculture mentioned.

Richard Benner would like more done with the wetlands. Other things that were discussed was maintain ditches, lot sizes, cluster housing, spot zoning, more water access.

Robert Pratt asked why the Ice House and harvesting wasn't mentioned in the history section. It was a big part of the 1900's industry.

Robert Pratt asked if they could see the plan in color. Sue and Larry Choate are going to get a password for the Planning Board members to be able to see it online and in color.

The Comprehensive Plan will go to the State of Maine for approval and then have a couple of public hearings before the Town will vote on it.

The Planning Board would like to have a committee organized after the Comprehensive Plan is approved to help the Planning Board work on the new ordinances.

10:00 PM Richard Benner made a motion to adjourn the meeting. All in favor.

Respectfully Submitted,

Pam Curtis
Recording Secretary